

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JAMES P. VICK

PLAINTIFF

v.

Civil No. 06-3067

C.E. "CHUCK" MEDFORD;
LT. BETH REELY; SGT.
ROB McGEE; OFFICER MARK
LOTT; OFFICER MICHAEL BROWN;
OFFICER DEBBIE DAVIS;
OFFICER DAVE HENDERSON; DEPUTY
JOHN RAINS; DEPUTY GREG
NOFSTGER; JIMMY KEELAND; DARRELL
"PETE" MOSS; CAPTIAN TRUMBLE;
RALPH GORDON; JODY SUCHLAND;
PORTIA STINES (formerly known as Portia Hill);
JASON HUNT; ALAN HOOS; LISA
ADAMS; DEPUTY JOHN DENIZE;
L. WINTERCORN; and DEBBIE PRICE

DEFENDANTS

ORDER

James Vick ("Plaintiff") filed this pro se civil rights action under 42 U.S.C. § 1983 on October 23, 2006. (Doc. 1). On January 28, 2008, Defendants filed a summary judgment motion (Doc. 124). To assist Plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The Court will consider Plaintiff's response to the questionnaire in issuing an opinion on the summary judgment motions.

For this reason, James Vick is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **April 21, 2008**. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 21st day of March 2008.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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DENIZE; L. WINTERCORN; and DEBBIE PRICE

DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTION

TO: JAMES VICK

On January 28, 2008, Defendants filed a summary judgment motion (Doc. 124). Accordingly, these questions and answers will serve as your response to Defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **April 21, 2008**.

1. You have indicated that you are suing Defendants in their personal and official capacities. Describe below the custom or policy of Carroll County, Arkansas that you believe caused your rights to be violated.

2. You allege you were placed in a cold isolation cell for twelve hours without clothing.

Did this occur when you returned after escaping the Carroll County jail?

Answer: Yes____ No____

Had you confessed/admitted to escaping the Carroll County jail before you were placed in isolation?

Answer: Yes____ No____

Other than the cold and lack of clothing, describe the other conditions of the isolation cell you are alleging to be unconstitutional. Be specific.

3. Was the only time you were without hygiene products and/or a shower from 4-10 days while in the observation cell?

Answer: Yes____ No____

If no, list any other dates and the duration you were without hygiene products and/or a shower.

4. How many days or hours were you in the observation cell without visitors, a Bible, or recreation?

How long were you without anything to drink (you indicate there would occasionally be water, state how long you were without water for the longest period of time)?

5. Did you ever fill out a written grievance to receive cleaning supplies for the observation cell?

Answer: Yes____ No____

If no, did you ask for a written grievance?

Answer: Yes____ No____

If no, why did you not ask for a written grievance to acquire cleaning supplies?

6. You have alleged that Defendants Lott, Brown, and McGee would refuse to give you toilet paper and grievance forms.

How long were you denied toilet paper?

How many times were you denied grievance forms?

What was the nature of the grievances you were seeking to make?

Are these your only claims against Defendants Lott, Brown, and McGee?

Answer: Yes ____ No ____

If no, indicate what other claims you have stated against each of these defendants:

Lott:

Brown:

McGee:

7. You allege that Defendant Davis spit in food that was to be served to inmates. Was this only on one occasion, December 24, 2003?

Answer: Yes___ No___

If no, indicate on what other dates you observed Defendant Davis doing this.

Did you eat the food Defendant Davis had spit in?

Answer: Yes___ No___

Were you injured by eating this food?

Answer: Yes___ No___

If yes, indicate any injuries which you had from eating this food. Include dates you received medical treatment. If no medical treatment was sought for your injuries, indicate why it was not sought.

Is this your only claim against Defendant Davis?

Answer: Yes___ No___

If no, indicate what other claims you have made against Defendant Davis.

8. You allege you were to cut inmate portions in half so that there would be enough food for local law enforcement. Were you only asked to cut portions on one occasion?

Answer: Yes____ No____

If no, indicate the other dates when you were asked to cut inmate portions.

Were you asked to cut a regular portion in half?

Answer: Yes____ No____

If no, indicate how you reduced the portions (i.e. one-fourth of a regular portion, or from an extra portion to a regular portion, etc.).

Were you served the reduced portions?

Answer: Yes____ No____

If yes, indicate below what injuries you had from this reduced portion. If no, indicate why you were not served these reduced portions (i.e. did you receive a full portion, did you refuse your portion, etc.)

Were inmates served regular portions at the next meal?

Answer: Yes____ No____

Who ordered you to cut the portions in half?

9. You have alleged Defendant Henderson used excessive force against you in the form of

using you as a “dummy” or “victim” for take-down maneuvers. Did Defendant Henderson ever ask you to assist him in this way?

Answer: Yes____ No____

Did you tell Defendant Henderson he was hurting you by these maneuvers?

Answer: Yes____ No____

Did you seek medical treatment for your injuries due to the maneuvers?

Answer: Yes____ No____

If yes, from whom did you seek treatment? If no, why did you not seek any treatment?

Did you fill out a medical request in the Carroll County jail for treatment related to these injuries?

What treatment, if any, did you receive?

How many times did Defendant Henderson use this excessive force on you? Provide dates.

Is this your only claim against Defendant Henderson?

Answer: Yes ____ No ____

If no, indicate what other claims you have made against Defendant Henderson.

10. You allege you were sentenced to three years in the Arkansas Department of Corrections (“ADC”) without trial or a hearing. Was that sentence related to your escape from the Carroll County jail?

Answer: Yes ____ No ____

If no, indicate the nature of your sentence to the ADC.

Did you admit/confess to authorities that you had escaped from the Carroll County jail on December 28 or 29, 2003?

Answer: Yes ____ No ____

11. Medford and Rains threatened to beat you, but did not actually beat you.

Agree ____ Disagree ____

If you disagree, describe below how you were beaten by these Defendants.

12. You state that Defendant Nofstger forced you to strip naked and Defendant Lott

forced you to walk naked to a dressing room. Did these incidents occur subsequent to your escape from the Carroll County jail?

Answer: Yes____ No____

If no, then indicate when they happened.

Explain how your constitutional rights were violated by the strip search and walking naked.

13. You indicate you were only given peanut butter sandwiches while in the observation cell. Approximately how many days were you only served these sandwiches for your meals?

You state this diet gave you migraines and other physical symptoms. Did you complain to anyone regarding these symptoms?

Answer: Yes____ No____

If no, why did you not seek medical attention?

If yes, did you fill out a grievance or medical request?

Answer Yes____ No____

If yes, to whom did you complain?

How did that person respond to your request?

Did you loose weight as a result of this diet?

Answer: Yes____ No____

If yes, indicate how much weight was lost. Refer to any relevant medical records you have.

14. Regarding your claims against Defendants Reely, Brown, Hill, Hunt, Hoos, Suchland, Wintercorn, Adams, Denzie, Keeland, Moss, and Trumble, were any of these Defendants actively involved in the incidents you complain of, other than potentially being aware of what was going on in the Carroll County jail? For example, did any of these Defendants use excessive force against you, deny you medical care, etc.?

Answer: Yes____ No____

If yes, indicate which Defendant(s) were actively involved and specify what action that person or persons took to deprive you of your constitutional right(s).

15. You have supplemented your complaint with the following documents. Explain below the purpose of providing them to the Court.

Jail Standards Booklet:

Executive Written Policy:

Suicide Prevention Policy:

Letters regarding your escape from the Carroll County Sheriff to the state 309 Trustee program Coordinator:

Restraint Chair procedures:

Are you alleging the restraint chair was used on you?

Answer: Yes___ No___

If yes, describe its use as it relates to you and your claims.

Booking sheet of Keith Rodell Smith:

Suicide Watch Log:

Letter to Darrell Moss from Sheriff Medford:

Letter to Jimmy Keeland from Sheriff Medford:

Booking report for William Eugene Ellis:

16. You have also supplemented your complaint with voluminous jail records concerning other inmates.

Are you attempting to make claims on behalf of these inmates? (Docs. 85, 92, 109, and 110).

Answer: Yes_____ No_____

If no, indicate the reason these documents were produced to the Court and to which of your claims they relate.

If yes, indicate which if any, of those claims involve you personally.

17. Is your only claim against Defendant Gordon that he failed to follow through with an investigation into the Carroll County jail?

Answer: Yes___ No___

If no, indicate what other claims you have brought against Defendant Gordon.

Detail below any further response you would like to make to Defendants' summary judgment motion. If you have exhibits you would like the Court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2008.

JAMES VICK